

Serial No. 09/671,120

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-4, 5-14, and 16-21 are pending in the present application. Claims 1, 3, 4, and 8-14 are the independent claims.

Claims 5 and 15 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1, 12, 13, and 14 have been amended to incorporate the subject matter of claim 5, which was previously objected to. Allowable claims 8-11 have been amended only to correct typographical errors and place them in even better form for issuance.

Dependent claims 16-21 have been added to set forth the invention in varying scope. Claims 16-21 depend directly from claim 1 and correspond to allowable independent claims 3, 4, and 8-11, respectively. Thus, Applicants respectfully submit that dependent claims 16-21 patentably distinguish over the cited art for at least the same reason as amended independent claim 1 and further for the same reasons as allowable independent claims 3, 4, and 8-11, respectively. No new matter is believed to have been added.

Claims 3, 4, and 8-11 have been indicated as allowable. Claim 5 has been objected to as being dependent upon rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Accordingly, Applicants have amended independent claim 1 to include the subject matter of dependent claim 5, and claim 5 has been cancelled. Accordingly, Applicants respectfully submit that claim 1 is now in condition for allowance.

Claims 1, 2, 6, and 12-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi. Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi in view of Zhu. All rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, that "said simulator performs a simulation using the server model and the service model and generates a mean value or a median value of a session time for the specific service".

Independent claims 12-15 have been amended to recite similar features.

Independent claims 1 and 12-15 have been amended to incorporate the allowable subject matter of claim 5 (now cancelled). Applicants respectfully submit that independent claims 1 and 12-15 patentably distinguish over the cited art because none of the citations of

Serial No. 09/671,120

record teaches or suggests at least the aforementioned features of pending independent claims 1 and 12-15, as acknowledged at pages 3 and 9 of the Office Action.

Accordingly, favorable reconsideration and withdrawal of rejected independent claims 1 and 12-15 under 35 U.S.C. §102 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 18 September 2006

By: Allison O'
Allison Olenginski
Registration No. 55,509

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on Sept 18, 2006

STAAS & HALSEY

By: Susan M. Lusk

Date: _____